

ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA,
DEL NORTE, EL DORADO, GLENN, IMPERIAL, INYO, LASSEN

CHAIR — BOB PICKARD, MARIPOSA COUNTY

VICE CHAIR — LAVADA ERICKSON, SISKIYOU COUNTY

EXECUTIVE DIRECTOR — GREG NORTON



MADERA, MARIPOSA, MODOC, MONO, NEVADA, PLUMAS,
SIERRA, SISKIYOU, TEHAMA, TRINITY, TUOLUMNE

PROGRAM MANAGER — MARY PITTO

TECHNICAL ADVISORY GROUP CHAIR — RANDY AKANA,
SISKIYOU COUNTY

Minutes of the Rural Counties' Environmental Services Joint Powers Authority Board of Directors' & Technical Advisory Meeting

801 12th Street – 2nd Floor Conference Room
Sacramento, CA 95814
(916) 447-4806
Thursday, December 13, 2007

MEMBERS REPRESENTED

Jim McHargue, Program Manager
Steve Rodowick, Recycling Manager
Lesli Daniel, Recycling Manager
Richard Dickson, Deputy Director of Public Works
Jon Souza, Public Information Officer
Mandy Kleykamp, Solid Waste Manager
Keith Quinlan, Solid Waste Manager
Steve Engfer, Solid Waste & Recycling Manager
Tom Valentino, Solid Waste Director
Paula Wesch, Program Coordinator
Randy Akana, General Services Manager
Alan Abbs, Solid Waste Director
Kristina Miller, Program Manager
Mark K. Potts, Solid Waste Technician
Barbara Rapinac, Solid Waste Technician
Belinda Barlow, Solid Waste Technician
Gretchen Olsen, Solid Waste Manager

Amador County
Butte County
Calaveras County
Colusa County
El Dorado County
Glenn County
Madera County
Mariposa County
Lassen County
Lassen County
Siskiyou County
Tehama County
Tehama County
Trinity County
Trinity County
Tuolumne County
Tuolumne County

STAFF IN ATTENDANCE:

Mary Pitto, ESJPA Program Manager
Stacey Miner, ESJPA Program Administrator
Rachel Basore, ESJPA Program Assistant
Staci Heaton, Director of Regulatory Affairs
Paul Smith, Director of Legislative Affairs
Larry Sweetser, Consultant to ESJPA

RCRC Governmental Affairs
RCRC Governmental Affairs
RCRC Governmental Affairs
RCRC Governmental Affairs
RCRC Governmental Affairs
Sweetser and Associates

OTHERS IN ATTENDANCE:

Terry Brennan, Supervising IWMS	CIWMB
Jim Greco, Owner	California Waste Associates
Bill Orr, Division Chief	CIWMB
Ted Rauh, Program Director	CIWMB
Debbie Rivas, Account Technician	Lassen County
Bernie Vlach, Branch Manager	CIWMB

MEMBERS NOT REPRESENTED

Alpine County	Del Norte County	Inyo County	Modoc County
Mono County	Nevada County	Plumas County	Sierra County

Call to Order / Determination of Quorum / Introductions

The meeting was called to order at 9:06 a.m. by Randy Akana, filling in for Chair Bob Pickard. Roll call was taken, self-introductions were made, and a quorum was established.

Public Comment

Ted Rauh, Program Director of Compliance & Mitigation at the CIWMB, discussed the lessons the CIWMB has learned through their disaster recovery efforts following the Angora fire. The CIWMB worked with El Dorado County to successfully recover hundreds of homes, allowing new construction to begin before the winter season. The CIWMB has also worked with San Bernardino and San Diego Counties to assist them following their recent wildfires. As a result of these activities, the CIWMB will create a series of model approaches that counties can utilize in future disaster recovery situations. Models will be tailored for counties that choose to work with outside contractors or those that rely on their own staff. Ted encouraged counties to look for these future resources and he will work with Larry Sweetser to ensure that the ESJPA stays updated.

Alan Abbs expressed his thanks to RCRC & ESJPA staff for their hard work in organizing and preparing the agenda packet and inviting speakers. Alan noted that if individual jurisdictions were to search for the compiled information themselves, it would be impossible due to the small size of solid waste departments in each county. ESJPA support helps rural counties navigate the maze of regulatory burdens, especially at a time when the CIWMB reorganization has made counties unsure of their agency contacts.

Lesli Daniel mentioned that Tuolumne County recently contacted Gaia to establish clothing drop boxes at recycling or disposal sites boxes in Tuolumne County. Lesli is interested in expanding the program to Calaveras and would like nearby Sierra Foothill counties to contact her if they are interested in joining this program.

Presentation Items

A. CIWMB Rural Loan Closure Program – Bernie Vlach, Branch Manager, Waste Compliance and Mitigation Program, CIWMB

The purpose of the Landfill Closure Loan Program is to provide funds for landfill closure when an applicant cannot finance the closure on their own. To apply for the loan program, two criteria must be met. First, a financial cash mechanism (enterprise or trust fund) must be in place and second, all financial assurance payments must be current. The loan is awarded with zero interest and the money must be spent within two years or returned to the CIWMB.

The CIWMB has loaned about \$8 million since 2001, primarily to rural counties, and the program has allocated a total of \$650,000 for loans. The loan cycle application closes at the end of this calendar year and applicants must get a resolution passed in order to apply. Although there is not a lot of time remaining, Bernie is willing to work with counties to get their application completed. Currently, only two applications have been received so counties should take advantage of the available funding. If funds continue to go unclaimed the program's budget could be reduced in future years, so it is important that jurisdictions utilize the program to prove to the CIWMB its value.

B. AB 2296 Closure/Post-Closure Staff Report – Bill Orr, Division Chief, Waste Compliance and Mitigation Program, CIWMB

C. Report from the CIWMB – Terry Brennan, Supervisor, Local Assistance and Market Development Division, CIWMB

Terry introduced himself and noted that he has worked at the CIWMB for 17 years in a variety of areas from the Office of Local Assistance to organics waste. He is now a Supervisor in the Local Assistance & Market Development Branch. Terry spoke about the reorganization progress and reported that the CIWMB has had over 25 trainings for staff on different program topics. For some staff, it may take up to a year for them to gain familiarity with all of the programs. Some new staff members are also specializing in climate change and how solid waste fits into that picture. Terry encouraged the group to contact their jurisdiction representative and bring them up to speed on the county's situation and issues. The trainings offered to CIWMB may also be appropriate for the ESJPA and Terry welcomed suggestions for future meeting reports/presentations.

Terry also clarified that the five year review is a review of the county's waste management plan and the review is mainly concerned with huge facility changes. If a county has new facilities planned, but the permit is not approved, the planning process and timeline for the new facility can simply be mentioned. The CIWMB has templates for the five year review available on their website and can offer counties help in inputting basic data. Jurisdictions should contact their local assistance representative for assistance.

Alan asked if a new recycling facility that takes curbside from outside the county should be included in the county's Source Reduction and Recycling Element (SRRE). Terry clarified that the facility would appear in the Non-Disposal Facility Element (NDFE), rather than the SRRE.

D. Plumas County Presentation

Robert Perrault was unable to attend the meeting, so his presentation will be deferred to a future ESJPA meeting in 2008.

Business Matters

A. Review and approval of minutes of the meeting of October 18, 2007

Rachel Basore, Program Assistant, read a correction for the minutes submitted by Kevin Hendrick of Del Norte County. Kevin would like to modify notes on his HD 16 Grant report to better clarify the message he intended and specify that the CPSC is not a membership organization. The current minutes (page 7, item VI, letter A) read: "Those counties who are unsure about joining may first become an associate, which allows them to engage in conversations between the current 109 members until they decide to become a full member. Once a county is a full member, they will be included in CPSC lobbying activities and with advance approval, CPSC can write letters on behalf of the county."

The proposed change is: "Those counties who are unsure about joining will be added to the CPSC list serve on a trial basis, which allows them to engage in conversations between the current 109 Associates until they decide to join CPSC. Once a county becomes an Associate by adopting a Pledge of Support, they will be informed about CPSC lobbying activities and counties are encouraged to adopt a resolution of support for EPR legislation to secure advance approval to write letters in support of EPR legislation."

The Chair called for a motion to approve the minutes of the October 18, 2007 meeting with the proposed amendment. The motion was made by Alan Abbs and seconded by Steve Rodowick. William Brunet abstained. Motion carried unanimously.

B. Review and approval of the 2008 Contract Services Agreement between ESJPA and RCRC

The Chair called for a motion to approve the 2008 Contract Services Agreement between ESJPA and RCRC. The motion was made by Alan Abbs and seconded by Lesli Daniel. Motion carried unanimously.

C. Review and approval of the 2008 Budget

Stacey reviewed the budget for the benefit of those new to the group. The main revenue sources include membership dues and miscellaneous income. The primary expenses items are the RCRC personnel contract and the Sweetser & Associates contract. RCRC would like to make it clear that the ESJPA does not fully cover its cost of operation with dues. RCRC's contribution to the overall operation of ESJPA over the years has been between \$20,000-60,000 and in 2008 RCRC will be contributing about \$67,000 in operational costs. The primary variance between the 2007 and 2008 budgets is personnel and board meeting costs.

Lesli located an error in the 2008 budget that the \$500 contingency shown as negative should be a positive dollar amount. This change was recorded and will be corrected. Keith Quinlan asked if revenue over expenses in 2007 carries over to 2008 and Stacey explained that while the unspent prior year funds are captured and reported on the balance sheets, those funds are not factored into the new year's budget.

The Chair called for a motion to approve the 2008 Budget with the change to the \$500 contingency line item. The motion was made by Alan Abbs and seconded by Lesli Daniel. Motion carried unanimously.

D. Review and approval of the 2008 Meeting Schedule

The proposed meeting schedule includes five meetings a year coordinated to occur the day after an RCRC Board of Director's meeting. Mary extended the option of adding additional meetings, since there are some large gaps between meeting dates. Lesli felt that with the presence of SB 1016 and 1020 the time between the May and August meeting may be critical in the 2008 legislative season. The group proposed holding a special meeting during the summer to ensure a timely response to legislation and Paul Smith confirmed that July would be the best month for a meeting. The group proposed July 17, 2008 as an additional meeting date with the option of canceling the meeting if it is not needed.

The Chair called for a motion to approve the 2008 Meeting Schedule with the addition of a meeting on July 17, 2008 to yield six total meetings. The motion was made by Mandy Kleykamp and seconded by William Brunet. Motion carried unanimously.

E. Election of the 2008 ESJPA Chair

Randy Akana opened nominations for the ESJPA Chair position. Steve Engfer motioned to nominate Bob Pickard for Chair and the nomination was seconded by Alan Abbs. The Chair called for a vote and the nomination carried unanimously.

F. Election of the 2008 ESJPA Vice Chair

Randy Akana opened nominations for the ESJPA Vice Chair position. Steve Engfer motioned to nominate LaVada Erickson for Vice Chair and the nomination was seconded by Alan Abbs. The Chair called for a vote and the nomination carried unanimously.

G. Election of the 2008 TAG Chair – Bob Pickard

Randy Akana opened nominations for the ESJPA TAG Chair position. Lesli Daniel motioned to nominate Randy Akana for TAG Chair and was seconded by Mandy Kleykamp. The Chair called for a vote and the nomination carried unanimously.

H. Election of the 2008 TAG Vice Chair

Randy Akana opened nominations for the ESJPA TAG Vice Chair position. Steve Rodowick motioned to nominate Bill Mannel for TAG Vice Chair and was seconded by William Brunet. The Chair called for a vote and the nomination carried unanimously.

I. Presentation of Resolution of Appreciation for Steve Engfer for his years of participation in the ESJPA.

Randy Akana thanked Steve Engfer for his years of service and dedication to the ESJPA and wished him luck in his future position in San Francisco.

ESJPA Program Updates

Rachel and Larry provided an update about the conclusion of 2007 trainings for the USDA Universal Waste Training Grant. Trainings were held in seven counties during October and November. The last training in the first round will be held in Imperial County on January 17, 2008. The website will be updated with a new announcement flyer and registration form. The trainings have received positive feedback and the comments will be incorporated into the next round of trainings. Larry encouraged anyone with u-waste related question to contact him so that he can submit his list of questions to the DTSC for clarification. In addition to the second round of universal waste trainings, two refrigerant removal trainings will be held in Mariposa and Trinity Counties.

Stacey reported the completion of the required elements of HD-14 and noted that the grant has a large remaining balance due to the free disposal of u-waste electronics and reduced staff time. To utilize these remaining funds a budget modification based on infrastructure requests for each county will be submitted by the end of the year. The UOG 8 grant filter events for 2007 are complete and the two facility improvements in Mariposa are set to begin before the end of the year. Stacey is still searching for bottle recycling services for oil containers and if she does not find an option within the next few months she will request a budget modification to shift the bottle granulation funds to other line items. Alan would like to set up satellite collection centers in Tehama County and he suggested that the unused bottle granulation money could be applied to this project.

Stacey encouraged the group to review the grant opportunities contained in the meeting packet, especially the USDA Solid Waste Management Grant since the grant topic is wide open. She also mentioned that UOG 9 was put before the CIWMB and the application requirements include a new provision that was suggested by the ESJPA for many years. The ten points awarded for a recycled content policy has been removed from the scoring criteria and the recycled content policy is now a prerequisite for grant application. The ten points will be redistributed to another scoring category.

Solid Waste/Regulatory Update

A. AB 32 – Global Warming Solution Act of 2006 Update

The scoping plan process has started as required by AB 32 and must be completed by January 1, 2009. The scoping plan is essentially a menu of regulatory items that the ARB must complete in order to

reach the emission targets. Tomorrow, December 14, a lengthy ARB hearing will review what the Board is considering for regulations and voluntary actions by sector. They will discuss regulations concerning solid waste, agriculture, land use, local initiatives, and other areas. Looking ahead to 2008, even though landfills contribute 1% to greenhouse gas and are the second lowest percentage next to forestry, the ARB is still expected to target landfills since they are easy to include in mandatory reporting requirements. Regulations for the transportation sector will focus on passenger vehicles and fuels and they may target diesel vehicles. Right now, the ARB states that everything will be voluntary for local governments. The scoping plan is the big item to watch in 2008 and Larry will track the CIWMB recommendations that are made to the ARB.

B. AB 32 and Landfill Gas Monitoring

The Climate Action Registry is now established to undertake voluntary reductions and they hope to give some sort of bankable credits to participants. The problem with the registry is that credit only goes to those who put in a monitoring system if they are not already required to do so. This leaves few who could participate since most landfills are required to monitor emissions.

The ARB is proceeding with their proposal on methane emissions and has produced terms that are fairly realistically. They are not looking to impose any additional requirements and smaller landfills without gas or other issues will not have to implement any new measures. Landfills with open flares will have an issue however, as the ARB wants flares enclosed. Overall, as long as a landfill does not have enough gas that raises an issue under the CIWMB's rules, it is not an issue with the ARB. If a landfill is generating enough gas for energy however, different requirements may apply.

A public workshop on January 21, 2008 will review the proposed regulations with a goal of adopting them in November of 2008. There are no requirements for testing landfills, other than what the CIWMB currently requires. Footing data on sustainable flow rate for gas is available and the ARB is looking for more input on this item. The ARB is also seeking better information on the costs of gas monitoring systems and counties should feel free to submit their comments.

C. Product Stewardship Council Update

The CIWMB held a workshop on framework policy in December, with the intent of engaging industry in the discussion since they were not initially well represented. Industry was present at the workshop along with many local government representatives and Lesli felt that the workshop started a little fierce, but was tame by the end. Industry's main statement was that they "support the EPR concept, but don't like the current level of responsibility levied on the manufacturer". The biggest question posed by this workshop is if the CIWMB has the influence to actually move legislation, since their track record is poor. CIWMB staff will compile a report on this workshop and present it before the board in January.

On the legislation front, AB 1193: Mercury-Added Thermostats: Collection Program, which CPSC co-sponsored with the Sierra Club, did not happen. As a result, the Sierra Club is working to have EPR as their first legislative mandate for 2008. AB 1109: Energy Resource: Lighting Efficiency: Hazardous Waste and SB 966: Pharmaceutical Drug Waste Disposal both passed in sufficiently

modified forms, but there has been no word from the CIWMB about how these models/standards will evolve. Lesli also distributed the CIWMB framework principles and asked individuals to share their comments with either her or Heidi Sanborn by the end of the day.

The National Paint Dialogue Board is prepared to start with a pilot program in Minnesota and six months later add paint collection in Vermont and Washington. California is scheduled to begin two years later. The CPSC voiced opposition to California signing a new MOU because the commitments listed in the second MOU were not met in the first. California is low on the implementation list, which is questionable given California's large role in contributing to the dialogue. The National Paint Dialogue is looking for money and the CPSC believes that California should not put any more money into dialogue. As a result of this concern, the CIWMB signed the MOU, but added a qualifier that if the National Paint Dialogue does not provide funding by July 2008, California's MOU will be canceled. In doing this, California has made a strong statement that the National Paint Dialogue must provide sustainable funding or California will handle paint collection on their own terms.

D. Electronic and Universal Waste Update

Larry noted nothing new in this area, other than compiling a list of questions to ask the DTSC as part of the USDA grant. As mentioned at the last meeting, the state considers removing computer chords as treatment and has fined municipalities for improper handling. Larry reminded counties to ensure that they label and contain everything properly, which will keep them in compliance.

E. ARB Diesel Retrofit Update

Mary reminded the group that each county's yearly report of waste haulers is due to the ARB on January 31, 2008. Counties must send a list of their contracted haulers and the form is available on the ARB website. ARB defines solid waste haulers in their regulatory guidance document as any diesel vehicle over 14,000 pounds with primary loads of solid waste. Private haulers will be included in the private vehicle rule that the ARB is developing, so counties should not be concerned with smaller junk hauler firms.

The ARB just released the 15-day review period for the In-Use Off-Road Diesel Vehicle Regulations, which applies to both the private and public sector. The language should not affect public agencies, but Mary will review it before sending it out via e-mail. Comments are due December 28 and the regulations will be submitted to the Office of Administrative Law to become effective early next year.

F. AB 2296 Closure/Post-Closure

G. Highlights of November/December Waste Board meetings

Larry thought that December was a pretty interesting month because the permit committee recommended a permit of denial for a landfill in Vacaville. The landfill had a history of violations and continued doing things with ADC when they were told to stop. The landfill had a clean inspection

prior to the permit being heard, but the CIWMB did not like the landfill's prior record and issued the first permit of denial in the history of the CIWMB. The legal staff was in a quandary, but it does appear that the CIWMB has the authority to take that action. This means that in the future, the CIWMB will closely scrutinize permits that have had a history of violation. The CIWMB has been criticized for not denying permits in the past, but this may be due to pulling permits prior to presentation. The CIWMB should release their records on the number of pulled/deferred permits to justify why no permits have been denied in the past. Larry also pulled a list of 12 non-compliant counties. Eight ESJPA counties are on the list, three of which have landfill gas violations.

After much controversy, a small-scale, non-English speaking farmer in Tehama County received a Farm and Ranch Cleanup grant. The farm had hundreds of huge six foot tires left on the property by past owners and the person who sold the property had incorrectly informed the farmer that the county would take the tires for free. The CIWMB had concerns about "gifting" public funds, but the program was designed to deal with illegal dumping, especially since a trend is developing where land owners allow individuals to dump illegally on their property in exchange for payment. Kristina Miller said that the tires are so large that Waste Tire Products cannot handle them, so Tri-City out of Sacramento is handling disposal; nine tires in a container at a time. Mandy explained that Waste Tire Products has had to reject several disposal requests because the Glenn County landfill cannot take the volume of tires it has in the past.

H. Other Regulatory Issues of Interest or Concern

The 16th Annual Compost Conference will be held in Oakland on February 9, 2008 and the State Water Resources Control Board will hold its annual Funding Fair on January 11, 2008 at CalEPA in Sacramento.

Mary announced that at yesterday's RCRC meeting the board agreed to have a board member sit on the Keep California Beautiful board. The KCB is promoting a proud community program, a new cell phone recycling program, and has a campaign for cigarette recycling. They have also partnered with SaveMart to create recycled shopping bags that are made of recycled materials and can be recycled at the end of its life. The bags are also manufactured in California. The KCB plans to have a statewide campaign for litter pickup in association with the nation-wide Keep America Beautiful event. The KCB is looking for partners on specific projects like litter, beach cleanup, or illegal dumping. The KCB, headed by Christine Flowers, is really trying to expand KCB into a state-wide organization and is therefore greatly interested in having rural counties on their board.

Legislative Update

The 2007 Legislature is officially out of session, although it is currently in special session for health care and water issues. The 2008 Legislature will reconvene January 7th and conclude August 31st. With the state facing a \$10-14 billion budget shortfall, budget matters will be the focus of the coming year. The attention span of the legislature for bills will be limited and bills will be scrutinized through a tighter prism as they pertain to budget impacts. From both a time commitment and dollars and cents commitment, the budget will override everything. If the governor calls a fiscal emergency, the legislature cannot act on any bills until the budget is completed.

A. SB 1016: Diversion: Annual Reports & SB 1020: Solid Waste: Diversion.

SB 1016 and SB 1020, both two year bills, are the ESJPA focus for the 2008 session. For a brief review, SB 1016 moves from a disposal based to a program based calculation for compliance. As part of this change, the CIWMB wants to adopt new diversion goals, but it is unclear how long these goals will continue to remain in the bill's discussion. SB 1020 is a diversion bill that would raise the diversion threshold. It doesn't change the calculation method, just the diversion percentage to 60% in 2012 and 75% in 2020. Although there were rumors of a major third or a fourth bill, Paul thinks the occurrence is unlikely. Paul had heard that some sponsors of SB 1020 were considering approaching a new legislator to introduce a different diversion based bill, which would be backed by Californians Against Waste and others. With the formation of a 3rd bill, there was further speculation that local governments should get together and run a 4th bill. Given the current budget climate, these bills are not on the horizon.

SB 1020 is far along in its process and SB 1016 is not far, but has still made progress. There are no deadlines on these bills until the summer, so it will not be until June, July, or August that things will really heat up. Paul, Mary, and Larry have had a number of meetings with stakeholders about these two bills and at every meeting stakeholders have made requests for what terms the ESJPA desires. Larry noted that none of the parties at the meetings want to push rural counties to do more than they have to. What the stakeholders want is input on what criteria should apply to rurals. In addition, prior to attending SWANA, Paul was under the impression that all counties wanted to move to a program based measurement, but this was not the case at SWANA. Urged by this reaction and the requests from stakeholders, staff convened a meeting of the Legislative Task Force to reconfirm the priorities and plans for these two bills. A memo was distributed to the group detailing the results of the discussion and the terms the ESJPA was comfortable with. The ESJPA needs to look through these proposals and add to the conversation in order to reach a bottom line that will be presented to stakeholders. Other organizations are reprioritizing their stance on these two bills as well.

Tom Valentino asked if killing the bills is still an option at this point in the progress. Paul noted that the waste hauling and environmental communities are very powerful and they may be able to push an outcome. Paul anticipates that at the end of the 2008 session he will report that SB 1016 and SB1020 are dead, but the ESJPA is not in the position to assume this outcome. It is difficult to determine where these bills will go and if they do die, they will die as a result of their fiscal impacts. Given the politics of the state however, one of the bills could push through.

Lesli made it clear that rurals don't like the current status quo and are in support of the change to programmatic measurements as proposed in SB 1016. Steve Engfer stated that the ESJPA has historically advocated for programmatic measures and he recommended that staff review old letters sent to the CIWMB on this issue so that the current proposals is consistent with what was lobbied for in the past. Lesli further noted that if the state goes to a disposal based measurement, it is actually easier in a lot of respects, because the growth in the waste stream is shared 50-50 between disposal and diversion. Moving to diversion based system puts 100% of the burden on diversion in the waste stream. No matter what final measurement system is used, rural counties are going to need to place greater emphasis on diversion.

Jim Greco mentioned that the road to compliance is always bumpy when jurisdictions have to interact with the CIWMB. Jim feels that if one looks at the current system and focuses on the program requirements and ignores the diversion requirements, the system is working. He thinks that the frustration with the diversion rate adjustment springs from the fear of calculating a wrong rate that will lead to a fine. If fear is removed by not subjecting the diversion rate to fines then many problems could be fixed. Jim's concern with SB1016 is that things can become quite complicated when growing counties need to adjust their numbers. If disposal has to be adjusted, some jurisdictions are going to benefit more than others. Overall, Jim believes that the diversion rate measurements should be taken out of the generic formula for determining compliance.

SB1020 in its current form also features a mandate for a commercial recycling ordinance, but the requirement has a population threshold. Gretchen Olsen shared that in Washington state counties cannot mandate mandatory business recycling, but cities can. This makes it very hard for rural counties to reach set diversion numbers. Richard Dickson asserted that from what he sees in Colusa County, the numbers the CIWMB uses to calculate diversion are very vague. Richard can easily report the amount of tonnage taken into the landfill, but he feels the population estimates are inaccurate and too inflated for his county. He feels diversion numbers have limited use when only one value, the amount of waste disposed, is known with certainty.

B. Rural Definition

Paul drew the group's attention to the main issues discussed by the Legislative Task Force, the first being the issue of creating a "rural" definition. This definition is tied to SB 1016 and somewhat related to SB 1020. Currently, SB 1016 lists diversion percentage goals that jurisdictions must meet. Assuming these stay in the bill, there are two paths of compliance. One path takes jurisdictions the 65% and 75% percent compliance route and the other path keeps the diversion percentage at 2006 levels. The key question is where the line should be drawn to differentiate access to the two pathways. ESJPA staff and the Legislative Task Force came up with a rural definition as follows: If a county has a 2006 population of 200,000 or less OR disposes under 200,000 tons in 2006, the county would proceed on the constant disposal path. This definition would exclude cities that are not part of the County's regional agency, which gives consideration to big cities in Nevada, Del Norte, and Butte Counties. The dividing line for this definition is Shasta County. Butte does not fall under the population or tonnage definition, but it is still considered rural because the City of Chico is not part of their regional agency.

Larry stated that the CIWMB is wary of rural loopholes being expanded to other non-rural jurisdictions, such as areas in Contra Costa County. To mitigate this concern, Steve recommended adding a geographic component to the definition which would effectively restrict counties in certain geographic zones (San Diego/Bay Area/Los Angeles) from utilizing rural reduction. Alan reported that this option was talked about during the Task Force meeting, but it will prove too controversial to name specific areas in legislation.

Paul surveyed the group to determine if there was any objection to the 200,000 threshold and no one had any problems with the number. To arrive at the 200,000 number, staff looked at rural definitions from other agencies and found little consistency across organizations. None of the current rural

definitions included all the ESJPA counties, so 200,000 was picked because it is found in CIWMB language. Jon Souza thought that the CIWMB number was 150,000, since this is the number listed on the website to distinguish rural counties, but Jim agreed that the regulations are not very consistent. Regardless of the exact source, Paul feels that the 200,000 number can pass with the legislature and CIWMB, although they could lower the number further. Tom commented that if the number is lowered the county's prisoner population should be excluded from their population and tonnage totals.

Larry added that the CIWMB is pushing for curbside recycling, composting, and, C&D programs and this is something counties will need to keep in mind when creating new programs. Jim McHargue cited that his CIWMB contact has repeatedly pushed him to move from a blue bag recycling system to an automated collection system, but it simply will not be cost effective or efficient. Jim would like CIWMB staff contacts to be more aware of rural issues and not force rurals to adopt system that clearly do not work in low density areas.

C. Moving to Disposal Based Method: Growth Factor

Under SB 1016, the CIWMB would allow for population growth in calculating the diversion percentage. Rather than using the GDP to calculate this change, Mary explained that the ESJPA proposes using a growth factor of 1.5 tons/person/year. If a county stays under this threshold, then they would be in compliance. If a county exceeds the threshold they must explain to the CIWMB what specific problem caused the increase over 1.5 tons. When looking at the current numbers (charted by total tons divided by total population), only Inyo, Alpine, Imperial, and Colusa Counties produce more than 1.5 tons/person/year. Even in counties with large tourist and transient populations the rate is still less than 1.5 tons. If the CIWMB changes the growth rate to 1 ton/person/year, many counties will still be in compliance, but the ESJPA will proposed the 1.5 ton number to capture as many counties as possible. Paul reminded the group that the growth factor only comes into play if a county does not meet compliance through its programs and diversion rate.

Lesli explained that even though counties like Alpine exceed the threshold because of ski season, they can use that fact to justify their increased tonnage. Lesli feels that she can back this type of growth rate much better than the economic growth factors that have been historically used. Jim Greco agreed that the tons/person/year was a good indicator since the statewide average is around 12 pounds/person/day. Mary stated that it is a waste of the CIWMB's money and time to focus their energies on rurals since they contribute so little to overall state diversion. She feels that they really understand rural concerns and that is why they want the ESJPA to provide them with the rural definition. The growth factor of tons/person/year is also useful to help counties comply with maintaining disposal at 2006 levels. Lesli reminded the group that in order to keep disposal flat the tonnage per person will need to remain the same. Barbara Rapinac supported the growth factor, as it is will be easy for her to track the tonnage per person from gatehouse data and make program adjustments immediately.

Alan echoed these comments and affirmed that the current diversion percentage is not a useful tool, since the data is not available until years later. Moving to a disposal based system is valuable because counties will have instant feedback about their diversion levels. A solid waste manager that receives

tonnage reports on a weekly or monthly basis and knows what is going on in their county will not find it hard to create programs to improve diversion. Alan remarked that if counties are diligent and they work at it, they should be able to prove that they're doing a good faith effort without waiting three years for confirmation of those efforts. Alan urged the ESJPA to push rural counties to improve themselves and not exempt rurals from taking any action.

D. Base Year Language

SB 1016 currently uses a base year of 2006 as the disposal threshold that counties must maintain. Many agencies have voice overwhelming rejection for using a single base year, especially 2006. The CIWMB has asked the ESJPA what base year is most suitable and staff proposes two different options. A county can select their base year through a "Five-Year Hi-Low" system OR divide the results of a waste characterization study by 50%. Many agencies favor the three year average, but staff felt this method would not work as well. The "Five-Year Hi-Low" system picks the five previous years, throws out the highest and lowest, and then averages the three remaining years. If a county exceeds 50% disposal in this calculation, the county would complete the other option to arrive at their base year threshold. This alternative method would reward those counties that have exceeded the 50% diversion mandate.

E. Tools Needed

Local government has unanimously declared that they require more tools and options to meet current and future diversion requirement. The ESJPA has created a list of items, included in the memo, which should be incorporated in both SB 1016 and SB 1020 legislation. This list will be turned over to the legislature and the CIWMB with the mandate that they incorporate some or all of the proposed tools so local government can actually meet the proposed diversion targets. Mandy Kleykamp was happy with the inclusion of streamlining the permitting process for waste composting, as she could generate greater diversion if she could easily permit diversion for organics. Jim suggested that another potential tool should be a system to share successful program information. Many counties are reluctant to implement new programs until they compare success rates and experiences from other counties and it would be helpful if the CIWMB could compile data on different programs, rather than each county finding their own information.

F. Increased Tipping Fee

Paul stated that an increasing tipping fee is another issue related to SB 1016 and SB 1020, since the CIWMB will need a way to pay for the suggested tools. ESJPA is not advocating that a tip fee should be increased, but the group must be aware that it will be considered in any discussion of changing goals. The ESJPA feels that any increase of money collected by the CIWMB should be spent on solid waste and recycling programs, not on other agencies or programs.

G. Conclusion

The Legislative Task Force spent five hours to reach the results presented in the memo, and they still have not formed a definitive conclusion. The items contained in the memo and discussed during this

meeting are the starting point, but the discussion remains ongoing. Mary asked the group to put some more thought into the items discussed and email her so that staff can draft a revised resolution and initiate a second round of discussions.

Agenda Suggestions for Next ESJPA Board Meeting on March 20, 2008.

Individuals with agenda suggestions are urged to contact Mary Pitto before the next meeting.

Adjournment at 2:58 p.m.

Respectfully submitted,

Rachel Basore

Rachel Basore
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Rural Counties' Environmental Services Joint Powers Authority